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Granted. 3/8/2024



March 8, 2024

Via ECF

Hon. Denise L. Cote
Daniel Patrick Moynihan United States Courthouse
500 Pearl St., New York, NY 10007-1312

Re: *Goode v. City et al.*, 23 cv 2533 (DLC) – Joint Request for Extension of Time

Your Honor:

This office represents Plaintiff Maurice Goode in the above-referenced matter and writes, jointly with Defendant City of New York, to respectfully request an extension of time to serve the officers identified in the Second Amended Complaint (“SAC”), and for a comparable extension of time, *nunc pro tunc*, to allow CO B. Smith to Answer the same.

Plaintiff filed his SAC on December 11, 2023, and thereafter attempted service on Cpt. Isaac, CO Jacobs, and CO Smith at the locations provided by Defendant City and reflected on the Summonses issued for each officer. However, I am informed by my process server that the service address for Cpt. Isaac is located at a Department of Correction (“DOC”) building that is no longer operational, and our server has been unable to locate Cpt. Isaac as a result. *See* Doc. 40 at 2. Moreover, service was rejected at the Bronx address provided for CO Jacobs. *Id.* at 1. Finally, service was properly effectuated on CO B. Smith at his place of work on January 10, 2024. *See* Doc. 39.

Counsel for the City has been working diligently with the DOC to obtain proper service addresses for all remaining Defendants. Given these unexpected delays in obtaining these addresses and serving the officers, the parties agree that an extension of time to serve the complaint is necessary. The City is still awaiting the remaining service addresses from the DOC, but hopes to have them within the next two weeks. Plaintiff will then promptly request summonses and serve the officers.

Further, the requested enlargement of time will afford the City the opportunity to resolve representation with CO Smith pursuant to General Municipal Law. *See* General Municipal Law § 50(k); *see also* *Mercurio v. City of New York, et al.*, 758 F.2d 862, 864-65 (2d Cir. 1985); *Williams v. City of New York, et al.*, 64 N.Y.2d 800, 486 N.Y.S.2d 918 (1985) (decision whether to represent individual Defendants is made by the Corporation Counsel as set forth in state law).

For these reasons, the parties jointly and respectfully request (1) a 30-day extension of time to serve the SAC, from March 11, 2024 to April 11, 2024; and (2) a 30-day extension of time, *nunc pro tunc*, from entry of this Order for CO Smith to Answer or otherwise respond to the same.

We thank the Court for its time and consideration.

Respectfully,



Stephanie Panousieris